IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: **BUSCH=2**

In re Application of:	) Conf. No.:	**7519**
	)	
Heinz Werner BUSCH et al.	) Art Unit:	**1797**
	)	
Appln. No.: 10/580,028	) Examiner:	**B. T. KILPATRICK**
	)	
Filed: November 18, 2004	)	
371 (c): May 19, 2006	) Washington, D.C.	
	)	
For: **APPARATUS AND METHOD FOR EXAMINING A LIQUID SAMPLE**	) **November 24, 2008 MONDAY**	

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building, 401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants are in receipt of the Office Action mailed October 23, 2008, primarily in the nature of a restriction requirement purportedly based on lack of unity of invention under PCT Rules 13.1 and 13.2. Applicants reply below.

First, however, applicants note part 12 of the Office Action Summary and assume, although part 12(a) is not checked, that the PTO has acknowledged receipt of applicants' papers filed under Section 119. If applicants misunderstand, clarification would be requested.

Restriction has been required what the PTO deems as being two (2) separate inventions each apparently deemed as patentably distinct from the other. As applicants must make an election, applicants hereby respectfully and provisionally elect Group I, presently claims 39-62 and 72, without prejudice and without traverse. Applicants accept that the inventions of Groups I and II are separate and patentably distinct from one another.

Applicants understand that the non-elected claims may be prosecuted in a divisional application, with applicants being able to rely on Sections 121, 120 and 119.

Applicants now respectfully await the results of a first examiner on the merits.

Respectfully submitted,

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